

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6185 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

PARULBEN B PARMAR (SCHEDULED BANK)

Versus

SURAT BHARUCH GRAMIN BANK

Appearance:

MR NK MAJMUDAR for Petitioner

MR UDAY R BHATT for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 19/02/99

ORAL JUDGEMENT

Rule returnable today. The learned advocate Mr. U.R Bhatt appears for and waives service of rule on behalf of the Respondent.

2. The petitioner before this Court is a widow of

one Shri Babarbhair C. Parmar, who was serving with the respondent-Bank as a Manager. The said Shri Babarbhair Parmar died on 7th December, 1997 leaving behind him his widow, the present petitioner and two minor children. The widow of the said Shri Parmar has claimed employment with the respondent-Bank on compassionate grounds. The said claim has not been accepted by the Bank. Therefore, the petition.

3. Mr. Bhatt has contended that so far as other service dues of the deceased are concerned, i.e., the amount of Provident Fund, Gratuity, insurance, etc., a claim has been lodged by the parents of the deceased Babarbhair Parmar also. The said claim has been preferred by the parents and brother of late Shri Babarbhair by instituting a Civil Suit being Special Civil Suit No. 179 of 1998 against the petitioner and the respondent Bank. The said Special Civil Suit No. 179 of 1998 is pending before the Civil Court at Vadodara. Mr. Bhatt has contended that in view of the said pending litigation, the petitioner's application for compassionate employment is not processed by the Bank. He has further contended that under the prevailing policy, compassionate employment to the family of the deceased employee can be offered to any near relative of such deceased employee, and in a given case, it may be offered to either of the parents or a sibling also.

4. I do not see any justification in the Bank's denying to process the application for compassionate employment made by the petitioner herein. It is not disputed that litigation pending before the Civil Court at Vadodara is in respect of monetary dues of the deceased Babarbhair Parmar and the compassionate employment is not the subject matter of litigation pending before the Civil Court at Vadodara. It is also not disputed that no person other than the petitioner herein has applied for compassionate employment in the respondent-Bank. In that view of the matter, the petition is allowed. The respondent-Bank is directed to process the application for compassionate employment made by the petitioner herein within a period four weeks from today. The decision thereof shall be conveyed to the petitioner within a period of one week thereafter. The petitioner shall be offered compassionate employment, if otherwise she is found to be eligible for such employment. Petition is allowed accordingly. Rule is made absolute. There shall be no order as to costs.

Prakash*